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DEPARTMENT OF LABOR,
LICENSING AND REGULATION

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v.

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CASE NOS.: SPMG 10-0074
SPMG 10-0077

TRISTAN O'CONNELL
dba Gold Buyers of Buyers of Towson.

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of three complaints filed by the Baltimore County Police Criminal Investigation Unit/Burglary. Upon a review of the complaints, the Department has determined that administrative charges against Tristan O'Connell (the "Respondent"), dba Gold Buyers of Buyers of Towson be filed and an administrative hearing should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Department have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.

2. The Respondent was originally issued a secondhand precious metal object dealer's license (License No. 2339) dba Gold Buyers of Buyers of Towson, located at 2009 York Road, Baltimore, Maryland 21093 on August 28, 2009.

3. On February 23, 2010, members of the Baltimore County Police Department conducted an inspection of the Respondent's place of business to investigate the Respondent's compliance with the provisions of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. The inspection determined that the Respondent or the Respondent's employees did not obtain the documentation to positively identify the seller of secondhand precious metal that was acquired in Transaction No. 121703, dated December 21, 2009. The only documentation obtained from the seller was a birth certificate.

5. The inspection determined that the following six transactions conducted by the Respondent or the Respondent's authorized employee were never electronically filed with the Baltimore County Police Department:

- a) Transaction No. 116103, dated January 16, 2010, that listed the following items:
 - (1) One 14 karat yellow gold cross pendant; and
 - (2) One 20 inch 14 karat gold rope necklace with a cross, anchor and heart charm.
- b) Transaction No. 124103, dated January 22, 2010, that listed the following items:
 - (1) One 18 inch, 14 karat gold, thin chain;
 - (2) One 14 karat gold cross; and
 - (3) One 14 Karat gold thin chain.
- c) An un-numbered transaction, dated January 23, 2010, with the notation "Bunch of "SS", which indicated sterling silver, for which \$14.00 was paid to the seller.
- d) An un-numbered transaction, dated January 25, 2010 that listed the following items:
 - (1) One 10 karat gold ring;
 - (2) One 14 karat gold unknown object for which \$173.00 was paid to the seller;
 - (3) 18 karat gold hoop earrings; and
 - (4) Sterling silver items, for which \$17.00 was paid to the seller.
- e) Transaction No. 129103, dated January 29, 2010 that listed the following items:
 - (1) One 14 karat gold ring, with purple stone;
and
 - (2) One 24 inch 14 karat gold chain.
- f) Transaction No. 219104, dated February 19, 2010, that listed a 10 karat white gold grill.

6. The inspection determined that Transaction No. 21202, dated February 9, 2010, which listed a 10 karat gold bracelet, a 14 karat gold pendant and a 14 karat gold earring was not stored at the Respondent's fixed business address.

7. The inspection determined that Transaction No. 21402, dated February 14, 2010, which listed a 14 karat yellow gold "Breitling" watch was not stored at the Respondent's fixed business address.

8. The inspection determined that the electronic report of Transaction No. 216102, dated February 16, 2010 that was electronically filed by the Respondent failed to disclose that the Respondent acquired a 14 karat gold ring.

9. The inspection determined that information associated with the following transactions that were electronically filed with the Baltimore County Police Department were either incomplete contained inaccuracies as follows:

- (a) Transaction No. 218105, dated February 18, 2010, failed to include the proper State of issuance of the driver's license number of the seller.
- (b) Transaction No. 222105, dated February 22, 2010, failed to include the proper State of issuance of the driver's license of the seller.

10. The following transactions did not contain the signature of the Respondent or the signature of an employee of the Respondent on the signature line of the daily transaction form for the following transactions:

- a) Transaction No. 129103, dated January 29, 2010;
- b) Transaction No. 129104, dated February 19, 2010;
- c) Transaction No. 116103, dated January 16, 2010;
- d) Transaction No. 124103, dated January 22, 2010;
- e) Transaction No. 221101, dated February 22, 2010;
- f) Transaction No. 212102, dated February 9, 2010;
- g) Transaction No. 217101, dated February 17 2010;
- h) Transaction No. 217102, dated February 17 2010;
- i) Transaction No. 116101, dated January 16, 2010;
- j) Transaction No. 124102, dated January 23, 2010;
- k) Transaction No. 126101, dated January 26, 2010;
- l) Transaction No. 126105, dated January 26, 2010;
- m) Transaction No. 21105, dated February 1, 2010;
- n) Transaction No. 215101, dated February 15, 2010;
- o) Transaction No. 218105, dated February 18, 2010;
- p) Transaction No. 221101, dated February 21, 2010;
- q) Transaction No. 222105, dated February 20, 2010;
- r) Transaction No. 121105, dated January 21, 2010;
- s) Transaction No. 218105, dated February 18, 2010;
- t) Transaction No. 131101, dated January 31, 2010;
- u) Transaction No. 218105, dated February 18, 2010;
- v) Transaction No. 212102, dated February 9 2010;

- w) Transaction No. 214103, dated February 14, 2010;
- x) Transaction No. 217101, dated February 18, 2010;
- y) Transaction No. 217102, dated February 17, 2010;
- and
- z) Transaction No. 217105, dated February 17, 2010.

11. The Respondent acknowledges the he and the Respondent's employees know or should have known the requirements for completion of and electronically filing daily transaction reports to local law enforcement agencies.

12. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) and (d), 12-302 (a) (4), 12-304 (a), (b) and (c), 12-305 (a) and (d), Annotated Code of Maryland, which state:

§12-301. Required Records

(a) *Records of dealers.* - Each dealer shall make a written record, on a form provided by the Secretary, of each business transaction that involves the acquisition of a secondhand precious metal object when the transaction is made.

(d) *Separate entries.* - A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

§12-302. Contents of Records

(a) In addition to any other information required by the Secretary, the records of a dealer shall include...

(4) for each individual from whom the dealer acquires a precious metal object:

(i) the name, date of birth, and driver's license number of the individual; or

(ii) identification information about the individual that:

1. positively identifies the individual from at least 2 forms of identification, which may include an age of majority card, military identification, or passport; and

2. provides a physical description of the individual, including the sex, race, any distinguishing features, and approximate age, height, and weight of the individual.

§ 12-304. Copies to primary law enforcement units

(a) *In general.* - (1) A dealer shall submit a copy of the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) *Delivering copies* The dealer shall submit the records by transmitting the required information from the records electronically, in a format acceptable to the receiving law enforcement unit, by Noon of the next business day.

(c) *Contents.*- Each record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include: (1) the license number of the dealer; 2) the location of each item listed in the record; and (3) the information required under § 12-302 of this subtitle.

§ 12-305. Holding period for precious metal objects.

(a) *Duration - In general.*-

(1) Except as otherwise provided in this section, a dealer who acquires a precious metal object shall keep it in the **county where the dealer holds a license** from the time of acquisition until at least 18 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle.

d) Place for keeping object or record. - During the holding period for a precious metal object, a dealer shall keep the precious metal object and the record of its acquisition in:

(1) the place of business of the dealer; or

(2) a storage facility specified in the license application of the dealer.

14. Based on the aforementioned violation, the Respondent agrees to pay to the Department a civil penalty of \$ 1,700.00 upon the Respondent's execution of this Consent Order.

15. The Respondent further agrees that he shall abide by the provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, § 12-101 et. seq. and COMAR 09.25.01, et. seq.

16. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Department reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any all further proceeding before the Department to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

11. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 21 DAY OF June, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

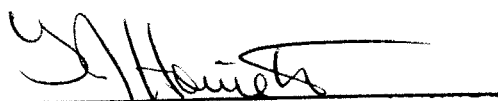
ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a) and (d), 12-302 (a) (4), 12-304 (a), (b) and (c), 12-305 (a) and (d), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,700.00 for the violations, which amount is to payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violations and the civil penalty of \$1, 700.00 imposed on the Respondent.


Tristan O'Connell


Leonard J. Howie, III
Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

6/6/10
Date